



# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

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## **Subject: Procedures for Providing Reasonable Accommodation for Individuals with Disabilities w/Change 1 (4/8/04)**

**Responsible Office: Office of Diversity & Equal Opportunity**

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## **Chapter 10. Time Frames for Processing Requests and Providing Reasonable Accommodation**

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10.1 NASA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, as soon as reasonably possible. NASA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

10.2 Expedited Processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the 20 business days discussed below. This includes where a reasonable accommodation is needed as follows:

a. To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, the DM's at all NASA Installations need to move as quickly as possible to make a decision and, if appropriate, provide a reasonable accommodation.

b. To enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 business days.

10.3 If a request for an accommodation requires no supporting medical information, and no extenuating circumstances apply, the request shall be processed and the accommodation provided in no more than 20 business days from the date that the request was first made.

10.4 If the DM believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, she/he shall make such request as soon as possible after receipt of the request for reasonable accommodation, but before the expiration of the 20-business days period. NASA recognizes that the need for documentation may not become apparent until after the interactive process has begun. NASA also recognizes that in cases where a reassignment is necessary, the process may not be completed within the 20-business day period.

10.5 If the DM requests that a physician or other health professional chosen by NASA obtain medical information, the running of the 20-business days period shall stop. If the physician or other health professional chosen by NASA determines that medical information is not needed, the running of the 20-business day time period shall resume as soon as the DM is notified by the physician or other health professional chosen by NASA of his/her determination.

10.6 If the physician or other health professional chosen by NASA determines that medical documentation is not needed, the DM shall be informed of the determination as soon as possible. The DM shall make his/her determination on the request for accommodation and if appropriate, provide the accommodation within 20 business days from the date the DM received the relevant information from the physician or other health professional chosen by NASA.

10.7 Examples of reasonable accommodations that can easily be provided within this 20-business days time frame include:

- a. An employee with diabetes who sits in an open area asks for four breaks a day to test his/her blood sugar levels so that s/he may do these tests in private.
- b. An employee who takes antidepressants which make it hard for him/her to get up in time to get to the office at 9 a.m., requests that core hour requirements be modified and be allowed to start work at 10 a.m. and still put in an 8-hour day.
- c. A supervisor distributes detailed agendas at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time because the disability makes it difficult to read quickly and needs more time to prepare.

10.8 Extenuating Circumstances: These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for accommodation and providing the accommodation will be extended, as necessary. Extensions based on extenuating circumstances shall be limited. NASA staff is expected to act as quickly as possible, but not take longer than 20 business days to process requests and provide accommodations. The following are examples of extenuating circumstances:

- a. There is an outstanding initial or follow-up request for medical information, or the physician or other health professional chosen by NASA is evaluating medical information which has been provided.
- b. The purchase of equipment may take longer than 20 business days because of requirements under the Federal Acquisition Regulations.
- c. Equipment must be back-ordered because the vendor typically used by NASA for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.
- d. The employee with a disability needs to work with equipment on a trial basis to ensure that it is effective before NASA executes a final purchase.
- e. New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

10.9 "Extenuating circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, NASA may not delay processing or providing an accommodation because a particular staff member is unavailable.

10.10 Where extenuating circumstances are present, the DM shall notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes shall also be communicated promptly by the DM to the individual, including other extenuating circumstances that would modify or limit the Agency's ability to provide the reasonable accommodation.

10.11 If there is a delay in providing an accommodation which has been approved, the DM shall determine whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the DM may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: (a) they do not interfere with the operations of the Agency; and (b) the employee is clearly informed that they are being provided only on a temporary, interim basis.

- a. For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the DM might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.
- b. If a delay is attributable to the need to obtain or evaluate medical documentation and NASA has not yet determined that the individual is entitled to an accommodation, NASA may also provide an accommodation on a temporary basis. In such a case, the DM will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.

10.12 DM's who approve such temporary measures are responsible for assuring that they do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

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